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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

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CAROLYN WITT, et al., on behalf of :  
herself and all others similarly : Civil Action No.  
situated : 3:15cv386  
vs. :  
CORELOGIC SAFERENT, LLC : May 22, 2017  
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COMPLETE TRANSCRIPT OF THE CONFERENCE CALL  
BEFORE THE HONORABLE ROBERT E. PAYNE  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

Leonard A. Bennett, Esquire  
Consumer Litigation Associates, PC  
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Suite 1A  
Newport News, Virginia 23601  
Counsel for the plaintiff

David N. Anthony, Esquire  
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Richmond, Virginia 23219  
Counsel for the defendant

Peppy Peterson, RPR  
Official Court Reporter  
United States District Court

P R O C E E D I N G S

THE COURT: Hello. All right, this is Witt against CoreLogic, civil 3:15CV386. Mr. Bennett, you called in here and said you had some kind of problem with the date of May 25th because you made a mistake in scheduling or something to that effect. What's the situation?

MR. BENNETT: Yes, sir. I didn't know it was this Thursday until after I confirmed with my (unintelligible) --

THE COURT: We can't understand you. Mr. Bennett, you are mush-mouthing. It's probably your telephone.

MR. BENNETT: My oldest -- I'm just --

THE COURT: That's better.

MR. BENNETT: My oldest son is moving from elementary school to middle school, and there is a big ceremony at ten o'clock on Thursday where the kids dress up in a suit and they go on stage and they say something, and I had not put that into my electronic calendar when I set the 25th, and it's entirely my mistake, and Mr. Anthony has been kind enough to not object if the Court would permit us to reschedule it, the hearing, this Thursday morning. I can do it in the afternoon. Of course, I can do it at any other time the Court would permit.

THE COURT: I have a full afternoon. I can't do it in the afternoon, and I've moved the things that are in that afternoon once before already, so I can't move them again. The

1 next time -- I have been reviewing these because I thought we  
2 were going to have a hearing on Thursday, and some of them I  
3 can decide without argument. I don't need any argument on some  
4 of these things. So I don't know that it will take quite as  
5 long as I thought it would. Are you in Combs against Capital  
6 One, Mr. Bennett?

7 MR. BENNETT: I am, Judge.

8 THE COURT: That thing has a summary judgment motion  
9 set on a Friday. I don't know why that's the case.

10 MR. BENNETT: It settled, Judge.

11 THE COURT: The case settled, didn't it?

12 MR. BENNETT: Yes, sir.

13 THE COURT: I was looking at my calendar. I'm not  
14 going to do it on Friday. Let me tell you what I have in mind.  
15 I have heard nothing from you, from any of you of the  
16 requirement of paragraph four of the order that was May 10th  
17 telling me what steps you were going to do to develop the  
18 record in relation to the litigation vendor. So I'm going to  
19 issue an order and tell you what to do.

20 The first thing is, wholly apart from anything the  
21 defendant wants, I want to know what you want to do, Mr.  
22 Bennett. I don't care what the defendant wants to do in this  
23 submission. I want to know what you want to do. So when can  
24 you get that to me?

25 MR. BENNETT: Tomorrow --

1 THE COURT: A list.

2 MR. BENNETT: -- by 5:00 p.m.

3 THE COURT: Can you do that by 5:00 p.m. tomorrow?

4 MR. BENNETT: Yes, sir. I've already given the  
5 defendant the list.

6 THE COURT: I want the list. Has the defendant got a  
7 list?

8 MR. ANTHONY: Your Honor, no, because we think the  
9 issue has been resolved. That's, I guess, still --

10 THE COURT: How has it been resolved?

11 MR. ANTHONY: Well, let me say it this way: That's  
12 probably not the right word choice. The issues that we think  
13 that are pertinent to addressing the issues from the vendor, we  
14 believe we have addressed or we've told Mr. Bennett that we  
15 would address.

16 THE COURT: Well, listen, everybody has -- you all  
17 have been at this meet-and-confer process, it's been fouled up  
18 to a fare-the-well. I don't know why it's been fouled up. I  
19 want a list from you of everything you have promised to do and  
20 the date you promised to do it by 5:00 tomorrow.

21 MR. ANTHONY: Yes, sir.

22 THE COURT: And we're going to have a hearing on this  
23 vendor issue, because I don't want these -- I don't think that  
24 these people are allowed to do what they're doing here, but I  
25 don't know that because I have very little information. It

1 sounds funny to me, but I don't know.

2 I will want to know, and I'm going to have a hearing  
3 to settle, who hired these people, who pays those people, why  
4 they were hired, what the contract arrangements are, who they  
5 are, what the backgrounds are of the people who are doing the  
6 work, what is the staff, and what is the involvement of  
7 Troutman Sanders in any or all of this so I can understand  
8 exactly where we are. I told you before I know I can rely on  
9 Troutman Sanders. I don't have any knowledge about these other  
10 people, so I don't know who I can rely on or why.

11 And I will need all of that. I'm going to set a  
12 schedule for you. I'm going to schedule a hearing on it. It's  
13 going to be independent of all of this, and it may affect how  
14 the rest of this case proceeds and who gets assessed what in  
15 the way of fees and costs for discovery.

16 I don't know where we're heading on it, but I'm going  
17 to get to the bottom of this so I don't ever have to deal with  
18 it again in this case or any other case, so I know what's going  
19 on.

20 I see here positions being advanced by the defense  
21 that I cannot believe would be advanced, and I'm taken aback by  
22 it, so I want to understand what's going on here. With the  
23 inputs I get from you all by 5:00 tomorrow, I'll set a schedule  
24 and we'll do what's to be done.

25 Now, as I understand it, Mr. Anthony, the notebook

1 that you all sent me with a letter dated May 18th, 2017,  
2 represents the entirety of the privilege claims, of the  
3 documents of privilege in response to the 2017 document  
4 requests; is that correct or not correct?

5 MR. ANTHONY: Yes, Your Honor, that's correct.

6 THE COURT: So now I understand that.

7  
8 (Discussion off the record.)  
9

10 THE COURT: I'll see you on the morning of June 1st  
11 at 10:00 a.m., and that will be on these motions to compel that  
12 I have here. Docket number 195 is the plaintiff's, and 186 is  
13 the defendant's. And then if there's anything that I need to  
14 take up in respect of these statements of position on 194 for  
15 the plaintiffs and the defendants 193, I'll take those up  
16 excepting only the vendor issue which I will schedule and get  
17 to the bottom of. I don't intend to let that slow us down.

18 Now, I have one other question. When is the  
19 certification motion due in this case? Mr. Bennett?

20 MR. BENNETT: Judge, yes, sir. The motion was  
21 already filed. The opposition was filed on Thursday. Our  
22 reply, I believe, is due June 2nd.

23 THE COURT: And what do these discovery requests have  
24 to do with certification?

25 MR. BENNETT: We don't believe they have anything to

1 do -- or that they impair class certification. This case is  
2 not bifurcated.

3 THE COURT: I understand that. My point is, we can  
4 still go on with the certification.

5 MR. BENNETT: Yes, sir.

6 THE COURT: Do you agree with that, Mr. Anthony?

7 MR. ANTHONY: Yes, sir.

8 THE COURT: All right. So you might well get ready  
9 on the schedule I've just told you. We'll move that, the  
10 hearing of the 25th to June 1st if I need it. I'm going to  
11 continue plowing through, and I may just decide this without  
12 any further argument. It's been briefed and briefed and  
13 briefed, and I think I understand it now. And we will go  
14 forward from here. Do we have a date on the certification  
15 motion argument?

16 MR. ANTHONY: Yes, sir.

17 THE COURT: What date is it? I don't see --

18 MR. ANTHONY: Your Honor, I believe I have it on my  
19 calendar at June 19th at 10 o'clock.

20 MR. BENNETT: Yes, sir.

21 THE COURT: I don't have it at all. It's the class  
22 certification?

23 MR. ANTHONY: Yes, sir. You set the -- when we set  
24 the trial dates and you set all the briefing, the schedule that  
25 Mr. Bennett just alluded to was added, so it's my understanding

1 that it's June 19th at 10:00 a.m.

2 THE COURT: All right. That just didn't make it on  
3 my calendar, I guess. We have it here, it's just not on my  
4 little book.

5 MR. ANTHONY: Okay.

6 THE COURT: Then I have something at 10 o'clock  
7 called Hardin against Gillman class certification. Is that  
8 yours, Mr. Bennett?

9 MR. BENNETT: No, sir.

10 THE COURT: All right. I'll find out what that is.  
11 I think that takes care of all we need to do today. If I  
12 decide a motion before the hearing on June 1st at 10:00 a.m., I  
13 don't need to hear anything about it. We're going to have to  
14 move on with this matter and get it straight.

15 I will set a date for a hearing, an evidentiary  
16 hearing at which to deal with this vendor question that has  
17 been raised in some of the papers by the defendant, and we  
18 will -- we'll abide the event once we have a record and really  
19 understand what the facts are, because until I get all that  
20 down, it may be that the perceptions that I have are just  
21 simply incorrect and I don't need to worry about it. For now,  
22 we will build a record and see what's going on. All right, is  
23 there anything else you all need to take up?

24 MR. ANTHONY: Not from the defendants, Your Honor.

25 MR. BENNETT: No, sir.



1                   THE COURT: All right. Thank you all very much for  
2 being available.

3  
4                   (End of proceedings.)

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7                   I certify that the foregoing is a correct transcript  
8 from the record of proceedings in the above-entitled matter.

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11                   \_\_\_\_\_/s/  
12 P. E. Peterson, RPR

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Date

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